

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Estate of VALERIE YOUNG, et al.,	:	07-CV-6241 (LAK)(DCF)
Plaintiffs,	:	<b>DEFENDANTS'</b>
- against -	:	<b>RESPONSES TO</b>
STATE OF NEW YORK OFFICE OF MENTAL	:	<b>PLAINTIFFS' FIRST</b>
RETARDATION AND DEVELOPMENTAL	:	<b>REQUEST FOR</b>
DISABILITIES, et al.,	:	<b>PRODUCTION OF</b>
Defendants.	:	<b>DOCUMENTS,</b>
	:	<b>ELECTRONICALLY</b>
	:	<b>STORED INFORMATION</b>
	:	<b>AND TANGIBLE THINGS</b>

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Defendants State of New York Office of Mental Retardation and Developmental Disabilities ("OMRDD"), Brooklyn Developmental Disabilities Service Office Director Peter Uschakow, Deputy Director Operations Jan Williamson, Residential Unit Supervisor Gloria Hayes, Treatment Team Leader Kathleen Ferdinand and Medical Doctor Jovan Milos, and Hudson Valley Developmental Disabilities Services Office Deputy Director Operations Suresh Arya, in their official capacities and individually (hereinafter collectively referred to as "defendants"), by their attorney, ANDREW M. CUOMO, Attorney General of the State of New York, hereby respond to Plaintiff's First Request For Production of Documents, Electronically Stored Information and Tangible Things as follows:

**RESERVATION OF RIGHTS**

Defendants hereby reserve all objections as to the admissibility of the following documents into evidence at the trial of this action, or in any other proceeding on any and all grounds, including but not limited to competency, relevancy, materiality, and privilege.

In the event that defendants ascertain new information that is responsive to these

document requests, defendants hereby reserve the right to supplement, clarify, revise or correct their responses to plaintiff's document requests.

Defendants object to the definitions set forth in plaintiff's document requests to the extent they are inconsistent with applicable law and the Federal Rules of Civil Procedure.

Defendants reserve the right to supplement or amend these responses and objections at any time prior to the trial of this action.

Without waiving the foregoing objections, defendants respond as follows:

**REQUESTS FOR PRODUCTION**

REQUEST NO. 1: "All documents described in defendants' October 9, 2007 Initial Disclosure pursuant to Fed. R.Civ.P. Rule 26(a)(1)."

RESPONSE NO. 1: Defendants object to this document request as vague, overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, copies of all records that are responsive to this request deemed to be within the possession, custody or control of New York State or the New York State Office of Mental Retardation and Developmental Services and/or the Brooklyn Developmental Disabilities Service Office are annexed herein under Exhibit Tab A.<sup>1</sup>

REQUEST NO. 2: "All documents comprising, relating and/or concerning incidents, incident reports and investigations, including but not limited to Minor Incidents, Major Incidents, Non-serious Incidents, Serious Incidents, and Reportable Incidents of, involving, concerning or relating to Valerie Young, including, but not limited to the all documents of or concerning the investigation

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<sup>1</sup> The documents will be produced upon receipt of the authorizations for the release and disclosure of health information and psychotherapy notes for the decedent Valerie Young which were mailed to the attention of plaintiff's counsel on November 8, 2007.

of the New York State Commission on Quality of Care report of its investigation into the death of Valerie Young from January 1, 2000 up to and including the date that you respond to this Request for Production.”

RESPONSE NO. 2: See response to Request No. 1.

REQUEST NO. 3: “All documents of or concerning the care and treatment of Valerie Young, including by example and not by limitation, medical records, nursing records, clinic records, Treatment Team Progress Notes, and Individualized Placement Plan (“IPP”) annual and quarterly review documents, from January 1, 2000 up to and including the date that you respond to this Request for Production.”

RESPONSE NO. 3: See response to Request No. 1.

REQUEST NO. 4: “All documents concerning Valerie Young’s state of health from January 1, 2000 up to and including June 19, 2005, not otherwise produced.”

RESPONSE NO. 4: See response to Request No. 1.

REQUEST NO. 5: “All reports, drafts of reports, memoranda, email, notes, and invoices prepared by any and all persons that you identify in your answer to Interrogatory No. 10.”

RESPONSE NO. 5: Defendants object to this document request as vague, overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, such documents do not exist.

REQUEST NO. 6: “The resume and/or curriculum vitae of any and all individuals that you identify in your answer to Interrogatory No. 10.”

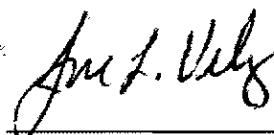
RESPONSE NO. 6: See response to Request No. 5.

REQUEST NO. 7: "All internal memoranda, email or any other communication between the any of the defendants and each other or any other person or entity concerning Valerie Young from January 1, 2000 up to and including the date that you respond to this Request for Production."

RESPONSE NO. 7: See response to Request No. 1.

Dated: New York, New York  
November 30, 2007

ANDREW M. CUOMO,  
Attorney General of the  
State of New York  
Attorney for Defendants  
By:

A handwritten signature in black ink, appearing to read "Jose L. Velez", written over a horizontal line.

JOSE L. VELEZ  
Assistant Attorney General  
120 Broadway - 24<sup>th</sup> Floor  
New York, New York 10271  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

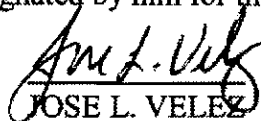
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Estate of VALERIE YOUNG by VIOLA YOUNG, :  
as Administratrix of the Estate of Valerie Young,  
and in her personal capacity, et al., : **CERTIFICATE OF SERVICE**  
  
Plaintiff, : 07-CV-6241 (LAK)(DCF)  
  
-against- :  
  
STATE OF NEW YORK OFFICE OF MENTAL :  
RETARDATION AND DEVELOPMENTAL :  
DISABILITIES, et al., :  
  
Defendants. :  
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JOSE L. VELEZ, certifies that:

He is an Assistant Attorney General in the office of ANDREW M. CUOMO, the Attorney General of the State of New York, attorney for the defendants. On November 30, 2007, he served the annexed defendants' responses to plaintiffs' first request for production of documents, electronically stored information and tangible things upon the following named person:

Jacques Catafago, Esq.  
Catafago Law Firm, P.C.  
Empire State Building  
350 Fifth Avenue, Suite 4810  
New York, NY 10118

attorney of plaintiffs in the within entitled action by electronic case filing and by depositing a true and correct copy thereof, properly enclosed in a post-paid wrapper, in a post office box regularly maintained by the United States Postal Service at 120 Broadway, New York, New York 10271, directed to said person at the address within the State designated by him for that purpose.

  
JOSE L. VELEZ

Executed on November 30, 2007